

I, Timothy Roberts, being first duly sworn, do hereby depose and state as follows:

1. I have been a Special Agent with the Federal Bureau of Investigation (hereinafter the "FBI") since 2016. I am a graduate of the FBI Training Academy in Quantico, Virginia, where I received training in violent crime investigations, white-collar crime, cyber-crime, crimes against children, interviewing, interrogation, evidence collection, intelligence analysis, and legal matters, among other topics. I am currently assigned to the Beckley, West Virginia Resident Agency of the Pittsburgh Division. Prior to my current assignment, I was assigned to the New York Field Office of the FBI where I was assigned to international terrorism investigations. Prior to my employment with the FBI, I was a police officer from 2008 to 2016. I have experience investigating terrorism matters, violent crimes, and child exploitation offenses, as well as other violations of federal law.
2. The facts in this Affidavit come from my personal observations, my training and experience, and information obtained from other agents, law enforcement officers, and witnesses. This Affidavit is intended to show that there is sufficient probable cause for the requested complaint and does not set forth all my knowledge about this investigation.
3. On February 09, 2024, at approximately 2:30AM, Staff at FCI McDowell were alerted via the Operations Lieutenant of the facility that an Unmanned Aerial System (UAS), commonly referred to as a "drone," had been detected flying within the prison airspace. FCI McDowell staff alerted local law enforcement at the McDowell County, West Virginia Sheriff's department, provided them with a flight path of the UAS, and deputies responded to the area of the UAS Launch. Responding deputies initially confronted three individuals, identified themselves as law enforcement, and the three individuals fled on foot. All three

individuals were located, arrested, and identified as HECTOR LUIS, RAYMOND SAEZ, and GAMALIER RIVERA.

4. FCI McDowell staff locked down the institution and began to search the grounds in the areas where the UAS had flown. Staff located broken glass in the yard under Housing Unit A-1, Cell 222. Staff responded to that cell, which housed inmates WILKINS BRITO and JASON RIVERA, and confirmed that the window had been broken out. Staff located four (4) packages in the cell containing multiple cell phones, chargers, charging cords, vape devices and a substance believed to be tobacco in multiple vacuum sealed packages.
5. Deputy MARTIN was able to determine that LUIS, SAEZ, and RIVERA were staying at the Count Guli Motel in McDowell County. Deputy MARTIN executed a state search warrant on the room that the subjects were staying in and found bundles of a substance believed to be marijuana, a substance believed to be suboxone, sheets believed to have been soaked in fentanyl, tobacco, cell phones, chargers, scales, and a vacuum sealer machine among other things.
6. GAMALIER RIVERA was interviewed by Deputy DALTON MARTIN, McDowell County, West Virginia Sheriff's Office and provided a Mirandized and recorded statement. RIVERA was asked when he arrived in the area, and he said he had arrived the previous night. He stated that he was staying in Room 9 at the Count Guli Motel. He was picked up and brought to the area and stayed in the hotel with HECTOR LUIS and RAYMOND SAEZ. When asked about the packages of marijuana, tobacco, and cell phones that were found in the hotel room, RIVERA said that he knew that LUIS and SAEZ were using a drone to transport those packages into FCI McDowell. RIVERA stated that they were doing

it to make money and RIVERA was helping them with the expectation of making money as well.

7. RIVERA claimed to not have any family in FCI McDowell and claimed that this was his first time doing this in the area. RIVERA said that he was expecting to make about \$1,000.00 for this work. RIVERA said that he had come to the area from out of state.
8. The presence of numerous cell phones, chargers, camouflage material are instrumentalities consistent with the act of introducing contraband into FCI McDowell which is close in proximity to the hotel the defendant's occupied. Additionally, the drones detected and seized from defendants were being operated without proper licensure as provided by federal law over FCI McDowell, a federal prison facility.

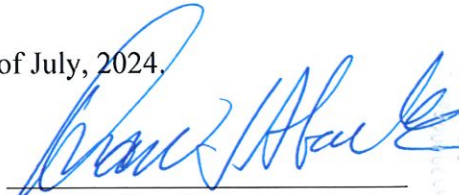
Further the Affiant sayeth naught.



Special Agent, FBI

7/8/24

Sworn to before me this 8th day of July, 2024.



Omar J. Aboulhosen
United States Magistrate Judge

